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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	CASE NO.: 21 MJ 70027 MAG
	)	
Plaintiff,	)	<del>[PROPOSED]</del> ORDER
	)	DETAINING DEFENDANT PRIOR TO TRIAL
v.	)	
	)	
LEVONTA FARLEY,	)	
	)	
Defendant.	)	

On January 31, 2021, a Complaint was filed in the Northern District of California charging the defendant, Levonta Farley, with one count of violating Title 18, United States Code, Section 922(g)(1) – Felon in Possession of Firearm. Defendant made his initial appearance in the Northern District of California on March 1, 2021. The government filed a motion for detention, and the defendant filed a memorandum in opposition and a further response. The Court held a detention hearing on April 2, 2021.

At the detention hearing, the defendant was present and represented by his attorney, Randy Sue Pollock. A United States Pretrial Services Agency Officer was also present at the hearing. Pretrial Services submitted a report and a supplemental report, and recommended detention on the basis of danger to the community. The government moved for detention, and the defendant opposed. The parties submitted proffers and arguments.

~~[PROPOSED]~~ ORDER DETAINING DEFENDANT PRIOR TO TRIAL  
21 MJ 70027 MAG

1       Upon consideration of the court file and the parties' proffers at the detention hearing, the Court  
2 finds by clear and convincing evidence that no condition or combination of conditions will reasonably  
3 assure the safety of the community and by a preponderance of the evidence that no condition or  
4 combination of conditions will reasonably assure the appearance of the defendant as required.  
5 Accordingly, the Court orders the defendant detained pending trial.

6       This Order supplements the Court's findings at the detention hearing and serves as written  
7 findings of fact and statement of reasons as required by Title 18, United States Code, Section 3142(i).

8       The Bail Reform Act of 1984 sets forth the factors the Court must consider in determining  
9 whether pretrial detention is warranted. In coming to its decision, the Court has considered those  
10 factors, paraphrased below:

- 11       (1) the nature and seriousness of the offense charged;
- 12       (2) the weight of the evidence against the person;
- 13       (3) the history and characteristics of the person including, among other considerations, ties to  
14 the community, employment, past conduct and criminal history, and record of court appearances;  
15 and,
- 16       (4) the nature and seriousness of the danger to any person or the community that would be posed  
17 by the person's release.

18 See 18 U.S.C. § 3142(g).

19       After considering all of the facts and proffers presented at the hearing, including the information  
20 contained in the Pretrial Services report, the Court finds, by clear and convincing evidence, that no  
21 condition or combination of conditions will reasonably assure the safety of the community, and by a  
22 preponderance of the evidence that no condition or combination of conditions will reasonably assure the  
23 appearance of the defendant as required, including because of: (1) the nature and circumstances of the  
24 offense charged, including that the defendant drove erratically and fled from the scene of a vehicle  
25 accident with a loaded firearm in the vehicle; (2) the defendant's history and characteristics, including  
26 that the defendant's extensive criminal record and evidence of attempts to evade law enforcement  
27 through flight and false identifications; and (3) the defendant's history of non-compliance with court  
28 orders, including reoffending while on court supervision for prior offenses.

Accordingly, pursuant to 18 U.S.C. § 3142, IT IS HEREBY ORDERED THAT:

- (1) Defendant is committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;
- (2) Defendant be afforded reasonable opportunity for private consultation with his counsel; and,
- (3) on order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which Defendant is confined shall deliver Defendant to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

This Order is without prejudice to reconsideration at a later date if circumstances change.

IT IS SO ORDERED.

April 5, 2021

  
HON. JACQUELINE S. CORLEY  
United States Magistrate Judge